

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

LEONIE STEWART,

Plaintiff,

vs.

WMC MORTGAGE CORP. et al.,

Defendants.

2:09-cv-01611-RCJ-RJJ

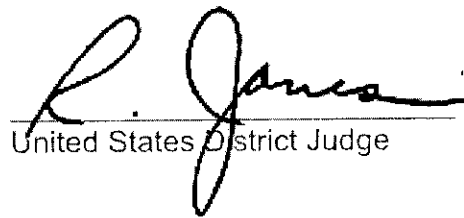
**ORDER**

Plaintiff Leonie Stewart has sued Defendants WMC Mortgage Corp. ("WMC"), Deutsche Bank National Trust Co. ("Deutsche Bank"), HomEq Servicing ("HomEq"), and Old Republic Title DMS ("Old Republic") on multiple causes of action related to the foreclosure of her mortgage. On November 2, 2009, the Court granted WMC's Motion to Dismiss (#5), with leave to amend. The Court withheld judgment on WMC's Motion for Summary Judgment (#6), because although there was no doubt that the mortgage was in default, there was no evidence in the record of Deutsche Bank's interest in the underlying debt or Old Republic's designation as trustee by any party with an interest in the underlying debt or otherwise entitled to designate a trustee. The Court therefore could not say that Old Republic had not wrongfully foreclosed or was not negligent. Plaintiff did not file an amended complaint. In the meantime, HomEq and Deutsche Bank had filed a Motion to Dismiss (#13). On December 8, 2009, the Court granted that motion, with leave to amend only as to the causes of action for Negligence and Wrongful Foreclosure as against Deutsche Bank, Old Republic, and HomEq. Plaintiff has failed to amend. Defendants have moved to dismiss for lack of prosecution. Plaintiff has not timely responded.

1 **CONCLUSION**

2 IT IS HEREBY ORDERED that the Motion to Dismiss (#27) is GRANTED and any lis  
3 pendens on the property located at 6305 Enchanted Creek Pl., Las Vegas, NV 89122 is lifted.

4 DATED: This 24th day of May, 2010.

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8 United States District Judge  
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